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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/892,347 07/14/97 GERSHFELD J LB970629

024958 LM02/0926
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SUITE 130
IRVINE CA 92612

EXAMINER

BROWN, R

ART UNIT	PAPER NUMBER
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2711

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DATE MAILED: 09/26/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/892,347

Applicant(s)
Gershfeld

Examiner
Reuben M. Brown

Group Art Unit
2711



☒ Responsive to communication(s) filed on Ju! 14, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-15 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 5-15 is/are allowed.

☒ Claim(s) 1-4 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Electronics Workbench, (User's Guide, 1995).

Considering claims 1 & 2, Electronics Workbench User's Guide is directed to a disclosure for arranging circuits to be analyzed, preferably using an oscilloscope. Specifically, Chapter 4 includes an experiment wherein a sine wave generated by a function generator, which reads on the first electrical signal, is passed through a low pass filter, which reads on the degrading circuit. On page 10 & page 11, of Chapter 4 the original sine wave is displayed with respect to the degraded sine wave on an oscilloscope. Therefore the claimed means for synchronizing and combining the

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electrical signals and generating a visual representation reads on the operation of the circuit as disclosed by the Electronic's Workbench User's Guide.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Electronic's Workbench.

Considering claims 3 & 4, Official Notice is taken that at the time the invention was made, it was well known in the art to compare the results of degraded video signals. It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Electronic's Workbench, with the well known technique of comparing degraded video signals to non-degraded video signals, at least for the desirable benefit of analyzing the effects of a transmission circuit on video signals.

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Allowable Subject Matter

5. Claims 5-15 are allowed. Considering claim 5, prior art of record does not show the claimed method for evaluating the degradation of an electrical signal caused by a circuit comprising the combination of steps of placing a first electrical signal in communication with an input of the circuit; passing the first electrical signal through the circuit thereby causing the circuit to output a degraded electrical signal; providing a compensation means; providing a means of synchronizing and combining electrical signals having at least a first and second input and one output, placing the degraded electrical signal in communication with the first input of the synchronizing and combining means; placing a second electrical signal, substantially identical to the first electrical signal, in communication with the second input of the synchronizing and combining means; placing the output of the synchronizing and combining means in communication with a plurality of means for creating visual representations of electrical signals in a way that the visual representation of the degraded electrical signal and the second electrical signal are presented separate from each other and the representation is not altered by the representation of any other signal, comparing the visual representation of the degraded image and that of the representation of the second electrical signal; altering the adjustment controls of the compensation means so that the visual representation of the degraded signal so that it is modified to resemble as closely as possible the visual representation of the second electrical signal. Considering claims 6 & 8, the instant claims comprise substantially the same subject matter as recited in claim 5 &

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additional steps, and are allowable for at least the same reasons. Claims 7 & 9-15 depend upon allowed claims and are allowable for at least the same reasons.

Response to Arguments

6. Applicant's arguments filed 7/14/2000 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., distance over which the 1st or 2nd electrical signal is transmitted in order to interface with the synchronizing and combining circuit) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant provides two diagrams which allegedly characterize the present invention as recited in claims 1-2 and the Electronic Workbench reference. Even if applicant's arguments are correct, that there would be a difference in the actual 2nd electrical signal, which is "identical" to the 1st electrical, as a result of using a "high impedance cable" to transmit the instant 2nd

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electrical signal to the synchronizing & combining circuit when using the Electronics Workbench model, as opposed to the present invention's model, examiner contends that applicant argues features that are not presently recited in the instant claims. In particular there is no language presently recited in the claims which deals with the distance between any of the elements of the claims. Furthermore, there is no language found in the any of the present claims which suggests in what manner or over what means the 2nd electrical signal is delivered to the synchronizing & combining circuit. Specifically, the instant claim 1 contains no language requiring that the 2nd electrical signal is generated locally or at the same location as the synchronizing & combining circuit. Applicant has taken the liberty to "fashion an invention" by modifying the Electronic's Workbench reference with respect to the 100 miles of High Impedance Cable, which is not found or suggested by the instant reference.

Moreover, since the instant claim 1 merely requires that the 2nd electrical signal is "*substantially* identical to the 1st electrical signal", examiner respectfully disagrees with the premise of applicant's argument's. Descriptive language such as "*substantially* identical" is broad enough to read on the transmission of an electrical signal through a transmission medium. At the time the invention was made, it was well known that various transmission mediums maintain a quality such that transmitted video signals are received at a substantially identical quality of the original signal, depending upon various factors of the network, and the subjective definition and criteria for substantially identical. Therefore applicant's arguments are not

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persuasive and the Electronic's Workbench reference contains all of the elements presently recited in claims 1-2.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-6306, (for formal communications intended for entry)

Or:

(703) 308-6296 (for informal or draft communications, please label

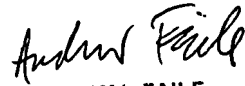
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (703) 305-2399. The examiner can normally be reached on Monday thru Friday from 830am to 430pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for this Group is (703) 308-6306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.


ANDREW I. FAILE
SUPERVISORY PATENT EXAMINER
GROUP 2700